



RESPONSES TO INFORMATION REQUESTS (RIRs)

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30 April 2012

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India: Treatment of members and supporters of the Shiromani Akali Dal (Amritsar/Mann) party, particularly those who speak publicly about the treatment of Sikhs by the Indian authorities or those who call for the creation of Khalistan (a separate homeland for Sikhs); whether members are monitored by the police for signs of links with terrorism (March 2009-April 2012)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Shiromani Akali Dal Political Parties

The *Political Handbook of the World (PHW) 2011* lists two political parties under the name Shiromani Akali Dal (hereafter the Akali Dal): Akali Dal, led by Parkash Singh Badal, the Chief Minister of Punjab; and Akali Dal (Mann), which is also called the Akali Dal (Amritsar) (*PHW* 2011, 632, 637). This latter group is led by Simranjit Singh Mann (*ibid.*; *The Hindu* 14 Nov. 2011). In 1 April 2012 correspondence with the Research Directorate, a representative of the World Sikh Organization (WSO) of Canada noted that the Akali Dal (Badal) political party is currently in power in Punjab as part of a coalition with the Bharatiya Janata Party (BJP). Sources identify the BJP as a Hindu nationalist party (WSO 1 Apr. 2012; *PHW* 2011, 631).

According to the WSO representative, the Akali Dal (Amritsar/Mann) and another faction called Akali Dal (Panch Pardhani) are groups that advocate the creation of Khalistan, a separate Sikh state (1 Apr. 2012).

1.1 Opposition to the Akali Dal (Badal) Party

The WSO representative said the Akali Dal (Amritsar/Mann) and Akali Dal (Panch Pardhani) "oppose" the Akali Dal (Badal), the ruling party, and have consequently faced "harassment" from them (1 Apr. 2012).

The Panthic Morcha is a coalition group of the Akali Dal (Panch Padhani) and other Akali Dal groups that opposed the Akali Dal (Badal) in the 2011 elections of the Shiromani Gurdwara Parbandhak Committee (SGPC) (WSO 1 Apr. 2012), which is also called the Parliament of the Sikh Nation (SGPC n.d.). The *Times of India* reports that, in August 2011, the Panthic Morcha accused the ruling Akali Dal (Badal) party of "threatening them" and filing "false" criminal charges against them in order to "force" them to withdraw from the SGPC election (26 Aug. 2011). *Punjab Newslines* similarly reports on accusations that the Akali Dal (Badal) used "brutal force" against its opponents, as well as

engaging in "widespread violence, booth capturing, and intimidation" (18 Sept. [2011]). The *Hindustan Times* also reports several incidents of violence between the Akali Dal ruling party and its opponents as occurring during the SGPC elections (19 Sept. 2011).

2. Police Treatment of Akali Dal (Amritsar/Mann and Panch Pardhani)

2.1 Arrest and Detention

According to the WSO representative, "[t]here have been several instances of members of both the Mann and Panch Pardhani groups being taken into 'preventative detention' in advance of planned demonstrations or events" and of "often" being arrested during "political agitations" (1 Apr. 2012). He also indicated that it is "difficult to provide a concrete figure with respect to length of detention ... [as it] depend[s] on the reasons for arrest" (10 Apr. 2012).

Sources report that, together with some of his associates, Daljit Singh Bittu, leader of the Akali Dal (Panch Pardhani), was arrested in August 2009 in Amritsar for instigating militancy in the state (*Punjab Newsline* [Aug. 2009]; *World Sikh News* 2 Sept. 2009).

The Sikh Siyasat Network reported that, on 15 November 2009, the Talwandi Sabo police arrested 11 members of a Sikh Jatha who were sent by the Akali Dal (Panch Pardhani) to Dera Salabatpura (in Bathinda district [7 June 2010]) to attempt a "lockout" that had been undertaken every Sunday since 22 March 2009 (16 Nov. 2009). The Jatha, which usually consists of 11 Sikhs, was started by some Sikh organizations as a peaceful protest to pressure the Punjabi government to close Salabatpura, home to the Dera Sauda Sirsa, whose leader is said to have insulted Sikhs by personifying a Sikh Guru (Sikh Siyasat Network 7 June 2010). At the time it was reporting on the November arrests, the Sikh Siyasat Network noted that the police arrested the Jatha group every time they attempted their Sunday protest (ibid. 16 Nov. 2009). The network reported that, again on 7 June 2010, 16 members of the 64th Jatha were arrested by Punjabi police (ibid. 7 June 2010). Information on the release of those arrested could not be found among the sources consulted by the Research Directorate.

Zeeneews.com, the online version of the 24-hour Hindi news and current affairs television channel (Essel Group n.d.), reports that, on 30 May 2010, the state police conducted raids throughout Punjab, arresting a dozen members, including leaders and workers, of what the online news site referred to as the "radical" Akali Dal (Panch Pardhani) organization (30 May 2010). The arrests occurred a day before a march celebrating the "establishment of first Sikh rule" was to take place (Zeeneews.com 30 May 2010).

A December 2010 article in the *Indian Express* reports that, under Section 124A of the *Indian Penal Code*, Simranjit Singh Mann had been arrested for sedition more than 50 times since 1984 when he joined the movement for an independent Sikh state (30 Dec. 2010). Sedition, according to the *Indian Express* article, is punishable by a prison term of up to three years or for life (30 Dec. 2010). Similarly, the Mumbai-based *Daily News and Analysis* (DNA) reported in March 2011 that Mann had again been arrested for sedition, while noting that there were 80 previous cases against him, throughout Punjab and outside the state, for advocating the establishment of Khalistan (DNA 6 Mar. 2011). The article also said that only two charges remained outstanding against Mann, one in Amritsar and the other in Patiala (ibid.).

The *Indian Express* reports that, in November 2011, police arrested six youths "raising" pro-Khalistan slogans during the arrival of the senior leader of the BJP at a rally in Amritsar (16 Nov. 2011). *Firstpost*, a Mumbai-based online newspaper, reports that the police arrested a member of the "radical Akali Dal (Mann) groups" who was protesting during a BJP anti-corruption rally in Amritsar on 14 November 2011 ([Nov. 2011]). The *Hindu* reports that "[a]ctivists of the pro-hardline fringe Akali factions and radical Sikh organisations disrupted" a BJP rally in Amritsar by "raising pro-Khalistan slogans" (14 Nov. 2011). Mann, the leader of the protesters, was detained (*The Hindu* 14 Nov. 2011). Further information on the detention of Simranjit Singh Mann could not be found among the sources consulted by the Research Directorate.

The *Times of India* reports that, although he remained in jail due to a pending case against him in a Mansa court, Daljit Singh Bittu, the president of Akali Dal (Panch Pardhani), along with four other activists, was acquitted in January 2012 of charges of "unlawful activities, illegal possession of explosives and fire arms" made by police on 15 November 2009 in Ropar Sadar (6 Jan. 2012).

Online newspaper *YesPunjab.com* reports that, on 28 March 2012, the Punjabi police arrested a number of Akali Dal members as a "precautionary measure" because of a protest march planned for the following day (28 Mar. 2012). Those arrested included religious leaders of various Akali factions and Simranjit Singh Mann (*YesPunjab.com* 28 Mar. 2012), who was released on 5 April 2012 (WSO 10 Apr. 2012). Similarly, the *DNA*, reporting on the "preventive measure" taken by police, notes that the detentions were made in different districts, including Bathinda, Gurdaspur, Ludhiana and Amritsar, under "Sections 107/151 (apprehension of breach of peace)" (28 Mar. 2012). The protest was organized to support Balwant Singh Rajoana, who was convicted for the 1995 assassination of Beant Singh, the then chief minister [of Punjab (Day and Night News 11 Nov. 2011)] (*DNA* 28 Mar. 2012). The *Ludhiana Tribune* reports that, in Samrala, during a march in support of Balwant Singh Rajoana, the police arrested two youths for "raising pro-Khalistani slogans" (28 Mar. 2012). The youths were later released "after an apology for objectionable slogans" (*Ludhiana Tribune* 28 Mar. 2012).

The WSO representative noted in 10 April 2012 correspondence that "many of the Akali Dal leaders and other Sikhs who were detained on 28 March 2012 as 'preventative arrest' measures prior to protests in Punjab remain[ed] in custody." The *Hindustan Times* reported that the chairman of the Khalsa Action Committee, a Sikh "hardliner," would be detained until 18 April 2012 (10 Apr. 2012).

On 29 March 2012, IBN Live, a 24-hour, English-language television news channel (n.d.), reported that 10 Sikhs, referred to by the police commissioner as "hardliners," were arrested in Gurdaspur for "raising pro-Khalistani slogans and brandishing swords," and that they were to be held in jail until 10 April 2012.

2.2 Surveillance

The WSO representative noted that members of the Akali Dal (Amritsar/Mann and Panch Pardhani) are subject to "surveillance" (1 Apr. 2012). In addition, "those Sikhs who are known to be advocates for Khalistan or suspected sympathizers of the militant movement are regularly monitored" (WSO 1 Apr. 2012). The WSO representative added that the police have "lists of

individuals they believe are at risk of supporting Khalistan militants [and] [w]hen any activity is suspected, these individuals are interrogated and on occasion detained" (ibid.). The WSO representative also said that his group has anecdotal evidence that the monitoring is done through "calls from police officials to inquire about activities, [and] being called into police stations for questioning ..." (ibid.). The organization representative indicated that members of the Akali Dal (Panch Pardhani) are reportedly "implicated and detained for false terrorism-related cases" (ibid.).

Corroboration that members of the Akali Dal are kept under surveillance could not be found among the sources consulted by the Research Directorate.

2.3 Reports of Torture

The WSO representative noted that human rights groups often indicate that torture is endemic to the Punjab Police and is routinely used. Those seen as being 'anti-national' are particularly subjected to brutal treatment and police are permitted to operate with impunity. (WSO 1 Apr. 2012)

In its *World Report 2012*, Human Rights Watch says that "police abuses including torture" continued in India in 2011 (Jan. 2012). The US *Country Reports on Human Rights Practices for 2010* also indicates that police stations in Punjab, as well as other areas, "use torture to obtain desired testimony" (US 8 Apr. 2011, Sec. 1c).

Information on whether members of the Akali Dal are tortured by the police could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact the following individuals were unsuccessful: a professor of political science at Jawaharlal Nehru University; the director of Alliance for Global Education; and representatives of the Institute of Sikh Studies, the Khalra Mission Organization, the Punjab Human Rights Commission, and Christian Solidarity Worldwide.

Internet sites, including: Amnesty International, Australia Refugee Review Tribunal, ecoi.net, Factiva, Freedom House, Khalra Mission Organization, Lawyers for Human Rights International, Punjab Human Rights Commission, Punjab Human Rights Organization, South Asia Terrorism Portal, United Nations Refworld.

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